

THE HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT APPEAL No. 2309 of 2005

28-11-2005

Between:

K.S.Subbaiah Pillai & Co. (India) Ltd., Chilakaluripet,
Guntur District, rep. by its Resident Manager.

..... APPELLANT

AND

The District Collector, Hyderabad & Others.

.....RESPONDENTS

THE HON'BLE SRI G.S.SINGHVI, THE CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE BILAL NAZKI

WRIT APPEAL No. 2309 of 2005

(Per **G.S.Singhvi, CJ**)

Feeling dissatisfied with order dated 7.10.2005 passed by the learned Single Judge in writ petition No.24910 of 2001 whereby he refused to entertain the appellant's prayer for issuance of a mandamus to Sub-Registrar, Sanjeevareddy Nagar, Hyderabad to release the document relating to property bearing Survey Numbers 60/1/2, 60/5/1, 60/5/2 and 63/2/2 and directed the Sub-Registrar to pass appropriate orders under Section 47-A of the Indian Stamp Act, 1899 (for short 'the Act') within six weeks, the appellant has filed this appeal.

We have heard learned counsel for the appellant at considerable length and have perused the judgment in **M.Venkata Ramana vs. Collector and District Registrar, Hyderabad District and another**, decided by one of us (Bilal Nazki, J) and are satisfied that the direction given by the learned Single Judge does not suffer from any legal infirmity.

Admittedly, the appellant had presented the document for registration on 3.12.1999, but took no steps to know about its fate till 5.9.2001. In the meanwhile, the Sub-Registrar initiated proceedings under Section 47-A of the Act, which could not be finalized due to pendency of litigation initiated by the appellant. The mere fact that Sub-Registrar had issued notice to the appellant for determination of the correct value of the property purchased by it in the auction conducted by Income Tax Department cannot lead to an inference that the officer has prejudged the issue regarding correct value of the property.

We further point out that during the pendency of the proceedings initiated under Section 47-A of the Act, this Court cannot issue direction for release of the document and that the learned Single Judge did not commit any error by directing the Sub-Registrar to pass appropriate order within six weeks.

For the reasons mentioned above, the appeal is dismissed. If the appellant so desire, he can refer the order passed in M.Venkata Ramana's case (1st supra) before the competent authority and persuade it not to interfere with the valuation of the property.

While dismissing the appeal, we make it clear that if the order passed by the Sub-Registrar is adverse to the appellant, then it would be free to avail appropriate legal remedy.

G.S. SINGHVI, CJ

28th November 2005

BILAL NAZKI, J

Ajr/vtv